Amendments to the Claims:

1. (Currently Amended) A variable nozzle device (1) for a turbocharger comprising:

an annular nozzle (3) formed between an inner wall (11) and an outer wall (10), ~~and~~

an annular arrangement of adjustable vanes (4) interposed in the nozzle (3) for defining a plurality of nozzle passages,

wherein the nozzle (3) is adjustable by controllably adjusting the vanes (4) and by controllably varying an axial clearance between the outer wall (10) and the vanes (4), and

means for increasing the axial clearance between the outer wall (10) and the vanes (4) as the operational rotational speed of the turbocharger increases, and for decreasing the axial clearance between the outer wall (10) and the vanes (4) as an operational rotational speed of the turbocharger decreases, such that

increasing the axial clearance between the outer wall (10) and the vanes (4) starts and/or stops either independently from or simultaneously with a step of pivoting the vanes (4) for enlarging the gas flow area of the annular nozzle (3), and/or

decreasing the axial clearance between the outer wall (10) and the vanes (4) starts and/or stops either independently from or simultaneously with a step of pivoting the vanes (4) for reducing the gas flow area of the annular nozzle (3)

~~characterized in that~~

~~the axial movement of the outer wall (10) to the vanes (4) is limited by a spacer which defines a minimum axial clearance between the vanes (4) and the outer wall (10).~~

2. (Currently Amended) A variable nozzle device (1) according to claim 1, wherein the outer wall (10) is axially moved to and from the vanes (4) by an actuator~~, preferably a pneumatic actuator (6)~~.

3. (Currently Amended) A variable nozzle device (1) according to claim 1 ~~or 2~~, wherein the outer wall (10) is defined by a hollow shaft (5) which comprises an axial slit forming a bypass for exhaust gas which does not pass through the nozzle (3).

4. (Currently Amended) A variable nozzle device (1) according to any one of claims 1 to 3, ~~comprising means for operating the axial movement of the outer wall (10) in such a manner that the outer wall (10) is moved away from the vanes (4) as an operational rotational speed of the turbocharger increases,~~ wherein the axial movement of the outer wall (10) to the vanes (4) is limited by a spacer that defines a minimum axial clearance between the vanes (4) and the outer wall (10).

5. (Canceled)

6. (Currently Amended) A method for operating a variable nozzle device (1) for a turbocharger comprising a plurality of vanes (4) arranged in a nozzle (3) defined between an inner wall (11) and an outer wall (10), the vanes (4) forming nozzle passages, the method comprising the steps of:

adjusting the nozzle passages by controllably adjusting the vanes (4), ~~and~~

varying an axial clearance between the outer wall (10) and the vanes (4) by axially moving the outer wall (10) to and from the vanes (4), and

increasing the axial clearance between the outer wall (10) and the vanes (4) as the operational rotational speed of the turbocharger increases, and decreasing the axial clearance between the outer wall (10) and the vanes (4) as an operational rotational speed of the turbocharger decreases, wherein

the step of increasing the axial clearance between the outer wall (10) and the vanes (4) starts and/or stops either independently from or simultaneously with a step of pivoting the vanes (4) for enlarging the gas flow area of the annular nozzle (3), and/or

the step of decreasing the axial clearance between the outer wall (10) and the vanes (4) starts and/or stops either independently from or simultaneously with a step of pivoting the vanes (4) for reducing the gas flow area of the annular nozzle (3)

~~limiting the axial movement of the outer wall (10) to the vanes (4) by a spacer which defines a minimum axial clearance between the vanes (4) and the outer wall (10).~~

7. (Currently Amended) A method for operating a variable nozzle device (1) for a turbocharger according to claim 6, ~~characterized by the following steps~~ further comprising the step of:

limiting the axial movement of the outer wall (10) to the vanes (4) by a spacer that defines a minimum axial clearance between the vanes (4) and the outer wall (10)~~increasing the axial clearance between the outer wall (10) and the vanes (4) as the operational rotational speed of the turbocharger increases; and~~

~~decreasing the axial clearance between the outer wall (10) and the vanes (4) as an operational rotational speed of the turbocharger decreases.~~

8. (Canceled)